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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

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SC/Serial No.: 10/035,083

Confirm. No.: 3945

Filed: December 28, 2001

Title: DELIVERY SYSTEM AND METHOD FOR
INTERSTITIAL RADIATION THERAPY

PATENT APPLICATION

Art Unit: 3736

Examiner:

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Commissioner for Patents, Washington, DC 20231**, on February 15, 2002.

(Attorney Signature)

Sheldon R. Meyer, Reg. No. 27,660
Signature Date: February 15, 2002

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

In the Specification:

Please Amend the Specification by replacing the second paragraph as follows:

"[0002] This application claims priority to U.S. Provisional Patent Application No. 60/336,329, filed November 2, 2001 under 35 U.S.C. § 119(e)." All pending claims are reproduced below, including those that remain unchanged. Marked up copies on the amended claims illustrating the changes are shown in the Appendix.

In the Claims:

- 1 1. A therapeutic element comprising: